REMARKS

New claims 27-33 have been added. Basis for these claims is found at p. 8, lines 8-13 and p. 8, line 32 to p. 9, line 2.

Claim 6 has been amended to correct a typographical error regarding the dependency of the claim. Claim 9 has been amended to recite that the filler is not a susceptor. Basis for this change is p. 8, line 32 to p. 9, line 2. Claim 23 has been amended to improve the English syntax and provide better clarity, and its meaning is not changed.

The abstract was objected to because the word "comprising" was in it. This has been changed.

Claim 6 was objected to under 37 CFR 1.75 as being of improper dependent form. Applicants assume this was because this claim depended on itself, and this has been corrected.

Claims 1, 5, 7, 10-11 and 17 have been rejected under 35 U.S.C. 102(b) as anticipated by Suzuki et al (US 6,641,878). Applicants point out however that at col. 8, line 15 it does not state that a melting point is 250°C or more, merely that a melt viscosity, which is normally measured above the melting point, is measured at 310°C. "Poly(arylene sulfide)" is a generic term for a type of polymer so it has no specific melting point, although the most commonly used poly(arylene sulfide), poly(p-phenylene sulfide) melts at about 280°C. Furthermore this polymer cannot be a thermoset polymer because it melts, and by definition thermoset materials do not melt. (This is a commonly known fact. If proof is required Applicants can furnish it.) It is further pointed out that at least some of the materials mentioned at col. 8 line 15-24, such as alumina, glass fiber and wollastonite are not susceptors.

Even if we assume that one would judiciously choose ingredients as defined in claim 1 of Suzuki so as to arrive at the composition used in present claim 1, there would still be no anticipation. It is pointed out the rejected claims claim a **piece of ovenware** having a particular composition and properties, NOT a simple

composition. Suzuki is concerned with a composition which is said to be useful for an "optical device holding container" (col. 1, lines 5-17). These containers are useful for recording or reading optical recording media such as CDs, DVDs, etc. (col. 1, lines 20-28). One knows from common experience with these types of devices that the container for such an optical pickup device is very small, in keeping with the overall compact size of such devices. It would also be obvious that such tiny "containers" would be useless as ovenware of any kind. Since Suzuki does not mention ovenware, cooking or microwave heating, it does not anticipate the present claims for ovenware.

Claim 9 has been rejected under 35 U.S.C. 103(a) as obvious over Suzuki. This rejection states that Suzuki discloses substantially all the features of the claimed invention. Included here by reference is the response above to the rejection under 35 U.S.C. 102. As noted above, Suzuki neither discloses not even hints at ovenware or cooking, so Suzuki can't render this claim for ovenware obvious.

Claims 1-5, 7, 9, 11-14, 18-20, 22, and 25-26 have been rejected under 35 U.S.C. 103(a) as obvious over Tenzer (US 6,077,454) in view of Inoue et al (US 5,677,253). Applicants traverse because a *prima facie* case of obviousness has not been established.

Tenzer deals with microwave cooking and certain ferrites which are useful in such cooking apparatus (see Abstract). These ferrites may be mixed with various polymers (col. 5, lines 54-57, col. 6, lines 37-39) to form compositions that in microwave cooking help brown the food being cooked (col. 2, lines 50-56). On the other hand Inoue deals with "a wafer holding member" made of a ceramic (aluminum nitride) (Abstract) which is used to hold semiconductor wafers for electronics during the wafer manufacturing process (col. 1, lines 6-18). These wafer holding members do have high thermal conductivity (col. 4, lines 1-6), and they are exposed to electromagnetic radiation, but this radiation is in the visible and UV portions of the electromagnetic spectrum (col. 4, lines 15-15), not the microwave part of the spectrum. It is believed the combination of these two references was done with hindsight. See In re Carroll, (CCPA 1979) 202 USPQ 571. These two references deal with totally different fields (microwave cooking vs. semiconductor

manufacturing), different problems (browning of food vs. improved semiconductor wafer holders), and different solutions to those problems (ferrites in a polymer matrix vs. a ceramic). There is no reason anyone involved in either of these arts would combine the two patents cited to solve any particular problem because there is no reason to make such a combination. The combination of these references is improper and a *prima facie* case of obviousness has not been established.

Applicants reserve the right argue additional points about this rejection if the above argument is not accepted. In addition they point out for the record the following factual errors in the text of the rejection. In Tenzer

- The polymer at col. 5, line 54 is not a thermoplastic. It is a silicone rubber and by definition a rubber is not a thermoplastic.

- The polymer at col. 6, lines 34-49 do not state the thermoplastic has a melting point of 250°C or more, merely that it be a "high temperature plastic", a term that is undefined.

- The passage at col. 5, lines 52-57 do not state the silicon rubber has a melting point of 450°C. By definition any melting point of a rubber would below ambient (room) temperature. Just because the Curie points are 450°C does not mean the apparatus is used at that temperature. Besides the Curie temperature of the ferrite being referred may apparently be lower, see col. 5, lines 49-51.

Claims 10, 17 and 24 have been rejected under 35 U.S.C. 103(a) as obvious over Tenzer in view of Inoue and further in view of Tighe et al (US 4,959,516). Like Tenzer and Inoue Tenzer and Tighe are not combinable. Tighe also deals with methods of browning food during microwave cooking and so may be considered similar to Tenzer in its general field and the problem to be solved, although the solution is somewhat different. Therefore a *prima facie* case of obviousness has not be established for this rejection. It is also pointed out that Tighe at col. 2, lines 24-25 is merely referencing another US patent when mentioning carbon or graphite. Therefore the Examiner has failed to cite a "primary reference" in this rejection, which is not a "best reference" [see 37 CFR 1.104(c)(2)].

Claims 6, 8, 15-16, 21 and 23 have been rejected under 35 U.S.C. 103(a) as being obvious over Tenzer in view of Inoue and further in view of Suokas et al (US

6,146,764). The reasons that Tenzer and Inoue are not combinable are discussed above, and this is included here by reference. Soukas deals with blends of LCPs and isotropic polymers to provide films with lamellar layers that are good barriers to oxygen and water vapor. Soukas is not properly combinable with Tenzer or Inoue, as it deals with a completely different problem, providing barrier films which are useful for containers, especially food containers (see col. 1, lines 4-34). Nothing is said in Soukas about such films being useful for microwave cooking, or semiconductor manufacture, and nothing within Inoue or Tenzer indicates that such films are of interest in their inventions. The only conclusion possible is that with hindsight these three disparate inventions have been brought together to provide "elements" of the rejected claims. A *prima facie* case obviousness has not been established.

In regard to the text of the rejection itself, the last sentence of the rejection (section 10) is puzzling to the Applicants. Applicants do not understand how a laminate with barrier properties, is of relevance to the present invention?

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

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